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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,801	04/27/2001	Laurent Baretzki	206483US2X	2836
22850 7590 11/06/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, HAI V	
			ART UNIT 2142	PAPER NUMBER
			NOTIFICATION DATE 11/06/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/842,801		BARETZKI, LAURENT	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hai V. Nguyen		2142	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-26 and 28-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-26 and 28-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office Action is in response to the communication received on 18 June 2007.
2. Claims 1-16, 27 were cancelled.
3. Claims 17-26 and 28-44 are presented for examination.

### *Response to Arguments*

4. Applicant's arguments, see Applicant's remarks on pages 2-6, filed 18 June 2007 with respect to the rejection(s) of claim(s) 17 and 39 under 35 USC 102 and 103 rejections have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gomez US patent # 6,330,221 B1, Rao et al. US patent # 6,674,756 B1, Moore US patent # 5,475,846.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-21, 39, 40-41 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gomez US patent # 6,330,221 B1** in view of **Rao et al. US patent # 6,674,756 B1**.
7. As to claim 17, Gomez discloses a redundant routing system, comprising:

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a first routing unit configured to manage input and output data (*Fig. 2, feature card 46A; col. 3, lines 19-38*);

a second routing unit configured to manage input and output data (*Fig. 2, feature card 46B; col. 3, lines 39-52*);

a network interface connecting said first and second routing units (*Fig. 2, CT3; col. 3, lines 53-67*);

a standby bus interface connecting said first and second routing units to each other (*Fig. 2, backplane 30, col. 3, lines 19-38*);

However, Gomez does not explicitly disclose wherein, when said first routing unit is managing said input and output data, said second routing unit is configured to detect a failure of said first routing unit by monitoring both the network and standby bus interfaces using messages sent over both the network and the standby bus interfaces; wherein, when said second routing unit detects a failure of said first routing unit, said second routing unit is configured to deactivate said first routing unit so that said first routing unit no longer manages said input and output data and said second routing unit is further configured to start managing said input and output, and wherein set of parameters for interpreting the messages, comprising configuration parameters of an application running on at least one of the first and second routing units, are stored in at least one configuration file included in both said first and second routing units.

Rao discloses wherein, when said first routing unit (*Figure 2, the CMM 34 in RCPU 22a*) is managing said input and output data, said second routing unit (*Figure 2, the LCPU 22b*) is configured to detect a failure of said first routing unit by monitoring

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both the network and standby bus interfaces (*Figure 2, bus interfaces 16b, 20b*) using messages (*hello messages*) sent over both the network and the standby bus interfaces (*Figure 2, col. 6, line 60 – col. 8, line 65*); wherein, when said second routing unit detects a failure of said first routing unit, said second routing unit is configured to deactivate said first routing unit so that said first routing unit no longer manages said input and output data and said second routing unit is further configured to start managing said input and output (*Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*), and wherein set of parameters (*set of registers, col. 6, lines 13-37*) for interpreting the messages, comprising configuration parameters of an application (*Figure 2, GMM 26*) running on at least one of the first and second routing units, are stored in at least one configuration file included in both said first and second routing units (*Figure 2, col. 6, lines 6-37; col. 6, line 38 – col. 8, line 65*).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rao's teachings of the secondary chassis manager detecting a failure of the primary chassis manager, resetting the primary chassis manager, and becomes the new primary chassis manager (*col. 6, line 60 - col. 7, line 8*) with the teachings of Gomez, for the purpose of *ensuring the continued services* (*Rao, col. 5, lines 6-20*).

8. As to claim 18, Gomez-Rao discloses, wherein said first and second routing units have identical functions and include identical software and configuration files (*Gomez, Fig. 2, col. 2, lines 3-24; col. 3, lines 1-15, 41-53, 19-67; col. 5, line 65 - col. 6, line 15*).

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9. As to claim 19, Gomez-Rao discloses, at least one serial link connecting said first and second routing units to at least one other system (*Gomez, Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*).
10. As to claim 20, Gomez-Rao discloses, wherein said at least one serial link comprises at least one Y-split parallel cable (*Gomez, Fig. 3, "three-way switch"*).
11. As to claim 21, Gomez-Rao discloses, when said first routing unit detects a failure in itself, said first routing unit is configured to deactivate itself to cease managing said input and output data and allow said second routing unit to start managing said input and output data (*Rao, Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*).
12. Claims 39-41 correspond system in means plus function claims of claims 17, 19, 21; therefore, they are rejected under the same rationale as in claims 17, 19, 21.
13. As to claim 43, Gomez-Rao discloses, the messages themselves, at least one transmission interval between the messages, and at least one time limit between two messages (*Rao, Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*).
14. Claim 44 corresponds system in means plus function claim of claim 43; therefore, it is rejected under the same rationale as in claim 43.

### ***claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. Claims 22-26, 28-38, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gomez-Rao** as applied to claims 17-21 above, and further in view of **Moore** US patent # **5,475,846**.

17. As to claim 22, Gomez-Rao does not explicitly disclose, a change in an impedance of at least one input/output serial port.

In the same field of endeavor, Moore, discloses a change in an impedance of at least one input/output serial port (*Moore, claims 1, 5, 8, 9*).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Moore's teachings of change in I/O serial port (*Moore, claims 1, 5, 8, 9*) with the teachings of Gomez, for the purpose of *sharing of interrupts between devices* (*Moore, Abstract, col. 3, lines 1-7*).

18. As to claim 23, Gomez-Rao-Moore discloses, wherein the change in impedance imparts putting said at least one input/output serial port in a high impedance state (*Moore, Abstract; claims 1, 5, 8, 9*).

19. As to claim 24, Gomez-Rao-Moore discloses, wherein said second routing unit deactivates said first routing unit by sending a reset command to said first routing unit via the standby bus, said reset command executing a reset algorithm on said first routing unit (*Rao, Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*).

20. As to claim 25, Gomez-Rao-Moore discloses, wherein the messages are polling messages that are exchanged via said network and standby bus interfaces, said polling messages carrying information relevant to detecting said failure (*Rao, Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*).

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21. As to claim 26, Gomez-Rao-Moore discloses, wherein said second routing unit detects said failure of said first routing unit when said polling messages are not properly responded to on at least one of said network and standby bus interfaces (*Rao, Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*).

22. As to claim 28, Gomez-Rao-Moore discloses, wherein, when launching an application on said first and second routing units, the set of parameters (*Gomez, Fig. 3, control registers 43*) appropriate to said application is loaded into a random access memory (RAM) (*Gomez, Fig. 3, control registers 43, col. 5, lines 1-9*).

23. As to claim 29, Gomez-Rao-Moore discloses, wherein said network interface links said first and second routing units with at least one remote client system (*Gomez, Fig. 1, the packets sent out to the LAN/WAN 32 reaching the clients, col. 3, lines 1-11*).

24. As to claim 30, Gomez-Rao-Moore discloses wherein said network interface is the Internet (*Gomez, Fig. 1, WAN 32 or ISP providing Internet service to users, col. 2, lines 20-24; col. 3, lines 1-11*).

25. As to claim 31, Gomez-Rao-Moore discloses wherein said network interface is an Ethernet network (*Gomez, Fig. 1, LAN 32; col. 3, lines 1-11*).

26. As to claim 32, Gomez-Rao-Moore discloses wherein said network interface is a digital local area network (LAN) (*Gomez, Fig. 1, LAN 32; col. 3, lines 1-11*).

27. As to claim 33, Gomez-Rao-Moore discloses wherein said first and second routing units operate in Open Communication Processor (OCP) mode (*Gomez, Fig. 1, open communications, LAN/WAN 32, PSTN 14, col. 2, lines 20-24; col. 3, lines 1-10*).



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28. As to claim 34, Gomez-Rao-Moore discloses an alert protocol to warn of a possible failure of the system (*Gomez, a failure is detected anywhere in the system, col. 2, lines 12-24*).

29. As to claim 35, Gomez-Rao-Moore discloses wherein said first and second routing units are data routers (*Gomez, Figs. 1, 2, routers 12*).

30. As to claim 36, Gomez-Rao-Moore discloses wherein said first and second routing units are data servers (*Gomez, router 12 serving routing data packets functioned as data server, Figs. 1,2*).

31. As to claim 37, Gomez-Rao-Moore discloses wherein, after said second routing unit is activated and starts managing input and output data, said first routing unit is configured to detect a failure of said second routing unit (*Rao, Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*).

32. As to claim 38, Gomez-Rao-Moore discloses wherein, when said first routing unit detects a failure in itself, said first routing unit is configured to deactivate itself to cease managing said input and output data and allow second routing unit to start managing said input and output data (*Rao, Fig. 2, col. 5, lines 6-20; col. 6, line 60 - col. 7, line 8*).

33. Claim 42 corresponds system in means plus function claim of claim 25; therefore, it is rejected under the same rationale as in claim 25.

34. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

***Response to Arguments***

35. Applicant's arguments filed 18 June 2007 have been fully considered but they are not persuasive.

36. In the remarks, Applicant argued in substance that:

Point (A), the prior art do not disclose that, "when said second routing unit detects a failure of said first routing unit, said second routing unit is configured to deactivate said first routing unit" as in independent claims 17, 39.

As to point (A), Rao discloses that, *"If the secondary chassis manager detects a failure of the primary chassis manager (due to timeout of the hello message), the secondary preferably switches over to the right management bus 16a, resets the primary chassis manager, and becomes the new primary chassis manager (Figure 2, col. 6, line 60 – col. 7, line 8)"*.

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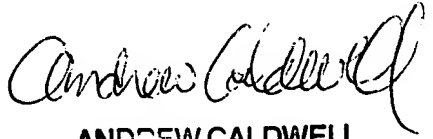

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen  
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Art Unit 2142



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